



General Assembly

Substitute Bill No. 511

February Session, 2004

* SB00511JUD__031804__ *

**AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO
SUBPOENA TELEPHONE RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) As used in this
2 section, "call-identifying information" means dialing or signaling
3 information that identifies the origin, direction, destination or
4 termination of each communication generated or received by a
5 subscriber by means of any equipment, facility or service of a
6 telecommunications carrier.

7 (b) A state's attorney, the chief of police of an organized local police
8 department or the commanding officer of the state police troop having
9 jurisdiction over a municipality without an organized local police
10 department may, in exigent circumstances, issue a subpoena to compel
11 a telecommunications carrier to disclose call-identifying information
12 pertaining to a subscriber, provided such state's attorney, chief of
13 police or commanding officer has probable cause to believe that a
14 crime has been committed and that such information is relevant and
15 material to an ongoing criminal investigation, except that, if the
16 records sought are those of a subject of an ongoing criminal
17 investigation, such state's attorney, chief of police or commanding
18 officer has reasonable grounds to believe that such information is
19 relevant and material to such criminal investigation. Such state's

20 attorney, chief of police or commanding officer shall specify in such
21 subpoena the case number assigned to such investigation.

22 (c) Not later than forty-eight hours after the issuance of a subpoena
23 pursuant to subsection (b) of this section, the state's attorney, chief of
24 police or commanding officer who issued such subpoena shall mail
25 notice of the issuance of such subpoena to the subscriber whose call-
26 identifying information is the subject of such subpoena.

27 (d) A telecommunications carrier that provides information
28 pursuant to a subpoena issued under this section shall be compensated
29 for the reasonable expenses incurred in providing such information.

30 (e) Any telecommunications carrier that provides information in
31 good faith reliance upon a subpoena issued under this section shall be
32 afforded the legal protections provided under 18 USC 3124, as
33 amended from time to time, with regard to such actions.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2004</i> |

JUD *Joint Favorable Subst.*